

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK,  
By LETITIA JAMES,  
Attorney General of the State of New York,

Plaintiff,

- against -

EXXON MOBIL CORPORATION,

Defendant.

Index No. 452044/2018

LAS Part 61  
Hon. Barry R. OstragerSTIPULATION  
REGARDING THE USE OF  
PRIOR EXAMINATIONS

Plaintiff, the People of the State of New York, by Letitia James, Attorney General of the State of New York ("OAG"), and Defendant Exxon Mobil Corporation ("ExxonMobil") (collectively, the "Parties") enter into this Stipulation to agree to use by the Parties of examinations of present and former ExxonMobil and Imperial Oil Limited employees in OAG's investigation of ExxonMobil.

## IT IS HEREBY STIPULATED AND AGREED as follows:

1. This Stipulation shall apply to all examinations of present and former ExxonMobil or Imperial Oil Limited employees and counsel (collectively, the "Witnesses") taken in OAG's investigation of ExxonMobil (collectively, the "Examinations").<sup>1</sup> The attached Exhibit A includes all 18 of these Witnesses.
2. All questions that were asked of the Witnesses during the Examinations will be deemed to have been asked of the same Witnesses in the above-captioned proceeding, and all

<sup>1</sup> Nothing in this Stipulation shall preclude ExxonMobil from enforcing a court order relating to ExxonMobil's allegations against OAG in connection with *Exxon Mobil Corp. v. Healey*, No. 18-1170 (2d Cir.) or further federal or state court proceedings concerning those or similar allegations of misconduct, including a court order (i) barring the use of testimony obtained in the Examinations, (ii) directing the destruction of Examination transcriptions, or (iii) providing other relief.

answers given by the Witnesses in the Examinations will be deemed to have been given by the Witnesses in response to those questions in the above-captioned proceeding.

3. The Examinations, including all exhibits thereto, may be used by the Parties for any purposes in the above-captioned proceeding to the same extent as if they had been taken in the above-captioned proceeding, as permitted under New York State law.

4. If either Party offers the Examination transcripts as evidence-in-chief, the opposing party will not object to the Examination transcripts as inadmissible hearsay on the ground that ExxonMobil was not permitted to cross-examine the Witness during the Examinations. All other evidentiary objections to the Examinations, Examination transcripts, and any of the exhibits used during the Examinations, including but not limited to objections to any of the questions asked in the Examinations and hearsay objections on other grounds, are preserved.

5. Except upon a showing of good cause to the Court, OAG will not notice the deposition of any Witness listed in Exhibit A, with the exception of Guy Powell.<sup>2</sup> With respect to Mr. Powell, any OAG deposition will be limited to lines of questioning concerning matters that postdate his Examination, documents that had not been produced to OAG as of the date of his Examination, or information that otherwise came to light after the date of the Examination.

6. This Stipulation may be signed in counterparts, which, when fully executed, shall constitute a single original, and electronic signatures shall be deemed original signatures.

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<sup>2</sup> Any showing of good cause must be based principally on information that came to light after the date of this stipulation.

Dated: February 14, 2019

New York, New York

LETITIA JAMES  
Attorney General of the State of New York

By: Chrysie

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By: Daniel J. Toal

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*Counsel for Exxon Mobil Corporation*

SO ORDERED:

Dated: February 19, 2019

Barry R. Ostrager J.S.C.  
BARRY R. OSTRAGER  
JSC

**EXHIBIT A**

**LIST OF WITNESSES SUBJECT TO STIPULATION**

1. Bailes, Robert
2. Bannister, Kirsten
3. Bolia, Daniel
4. Colton, William
5. Feinstein, Connie
6. Fisk, Norma
7. Helble, Ramona
8. Hirshman, Michele
9. Horne, Joseph
10. Iwanika, Jason
11. Lauck, Robert
12. Leong, Cynthia
13. Littleton, Stephen
14. Luettgen, Robert
15. Onderdonk, Todd
16. Powell, Guy
17. Shores, Mark
18. Trelenberg, Peter